

## JEROME WAS READY BUT DELMAS WAS NOT

Question of Having a Lunacy Com-  
mission Appointed for Harry  
Thaw Not Settled.

## TO ANNOUNCE DECISION ON MONDAY

There Will Be a Brief Session This  
Morning When More Affidavits  
Will Be Submitted—Justice Fitz-  
gerald Would Not Allow Hartridge  
to Talk.

(By Associated Press.)  
NEW YORK, March 21.—District  
Attorney Jerome today presented to  
Justice Fitzgerald eight affidavits in  
support of the suggestion he made  
yesterday in the case of Harry K.  
Thaw, that the defendant is now in  
such a state of lunacy or insanity  
as to be incapable of understanding  
the proceedings against him or  
making his defense. The court was  
in session for less than an hour,  
Delmas alone was heard by  
Justice Fitzgerald. Twice Mr. Har-  
tridge attempted to enter the argu-  
ment but was rapped down by the  
judge.

Justice Fitzgerald allowed both  
sides until Saturday afternoon at  
2 o'clock to file such affidavits as  
they desire, with the clerk of the  
court. There will be no further  
hearing in the matter of the ap-  
pointment of a lunacy commission  
unless Justice Fitzgerald so decree  
after considering such affidavits and  
exhibits as are to be offered. Neither  
the jury nor Thaw was in court  
today.

The jury having been excused till  
tomorrow morning at 9:30 o'clock,  
when there will be a brief session,  
at that time and a formal ad-  
journment until Monday morning  
announced. By Monday Justice Fitz-  
gerald is expected to be ready to  
announce his decision.

District Attorney Jerome pleaded  
today for permission to examine  
Dr. Alan McLean Hamilton orally  
but in the absence of waiver of  
professional privilege on the part of  
the defense, Justice Fitzgerald ad-  
eud significantly, that he would take  
judicial notice of everything which  
had been adduced in evidence dur-  
ing the nine weeks of the trial.

Dr. Hamilton, it will be remem-  
bered, on yesterday, testified that  
in his opinion Thaw is not at pres-  
ent capable of directing his defense.  
This question was put to Doctor  
Hamilton by Attorney Gleason of  
the defense, and Mr. Jerome now  
contends that the defense thus  
waived the matter of professional  
privilege.

Justice Did Not Want an Argument  
The refusal of Justice Fitzgerald  
to allow Doctor Hamilton to be  
interrogated in the proceedings to  
enlighten the conscience of the  
court as to its duty in appointing  
a commission of lunacy or order-  
ing a resumption of the trial, was  
interpreted in various ways by  
those in court today. The attaches  
of the district attorney's office were  
inclined to the belief that Doctor  
Hamilton having already stated his  
opinion to Justice Fitzgerald, the  
latter deemed it unnecessary to  
precipitate an argument as to the  
waiving of professional privilege.

The defense seemed inclined to  
the view that Justice Fitzgerald  
had held Doctor Hamilton's evi-  
dence could not be taken into con-  
sideration and that consequently the  
district attorney's position was ma-  
terially weakened.

Doctor Hamilton was first called  
into the case by Thaw's lawyers  
and it was while he was in their  
employ that he made his examina-  
tion of the defendant. Under the  
law he cannot testify without an  
express waiver from the man who  
was his patient.

Mr. Jerome's affidavits submitted  
today embraced the opinion of his  
seven experts who have heretofore  
testified and a statement by Irvin  
S. Cobb, a newspaper reporter, to  
whom Thaw gave the text of the  
statement which he issued at the  
conclusion of Mr. Jerome's long and  
severe cross examination of his  
wife.

Mr. Jerome in presenting his af-  
fidavits, called particular attention  
to the one signed by Doctor Carlos  
F. McDonald, who after reciting  
what he has witnessed in court, his  
observations of Thaw immediately  
after the tragedy and what he has  
learned as to epilepsy and insanity  
in various branches of the Thaw  
family, declares that he is firmly  
convinced that Thaw is suffering  
from paranoia and that while he  
knew enough to realize the nature  
and quality of his act when he  
shot and killed Stanford White, he  
is now and for some time past has  
been incapable of understanding the  
proceedings against him.

Reporters' Affidavit.  
The reporter, Cobb, in his affidavit,  
sets forth the facts connected with  
Thaw's dramatic manner of issuing  
his statement concerning Mr. Jer-

ome's cross examination of Evelyn  
Thaw.

All the facts were narrated at  
the time of the insistence of Thaw  
that the reporter should sign and  
seal an envelope containing the  
original statement and compare the  
original with the typewritten copies  
which were subsequently handed to  
him for distribution among the  
other newspaper men at the trial.

District Attorney Jerome occupied  
most of the time the court was in  
session today in a personal explana-  
tion of the reasons which had  
hindered him from earlier calling  
the attention of the court to Thaw's  
present state of mind.

He said he had long been con-  
vinced that the defendant was of  
unsound mind, but he had no way  
of legally bringing the matter to  
the attention of the court until  
Doctor Hamilton was put on the  
stand by the defense.

Mr. Jerome said he could not  
have called Doctor Hamilton on ac-  
count of the professional privilege  
which the defense have interposed  
as a bar to any testimony the  
expert might have to offer.

Mr. Delmas declined again to  
waive any privilege with regard  
to Doctor Hamilton on the ground  
that if the district attorney's con-  
tention as to the present insanity  
of the defendant is sound his law-  
yers have no right to waive anything  
for a lunatic.

Hartridge Couldn't Butt In.  
It had been rumored all day that  
Mr. Delmas would not be in court  
this afternoon because of the atti-  
tude assumed by some of his as-  
sociate counsel yesterday. All the  
attorneys were present, however,  
when Justice Fitzgerald took his  
place on the bench.

Mr. Delmas alone was heard by  
Justice Fitzgerald. Twice Mr. Har-  
tridge attempted to enter the argu-  
ment but was rapped down by the  
judge.

Thaw Wanted to Hear Argument.  
Harry K. Thaw had a conference  
in the Tombs today with A. Russell  
Peabody, of his counsel, over the  
question whether Thaw was to be per-  
mitted to hear the argument over the  
appointment of a lunacy commission  
to investigate his mental condition.

Thaw wanted his counsel to assure  
him that he would be allowed to at-  
tend the hearing in court this after-  
noon, but Mr. Peabody did not prom-  
ise him the desired permission.

Thaw's counsel were said to be of  
the opinion that he ought not to hear  
the argument.

Thaw's wife and his sister, the  
Countess of Yarmouth, also visited  
him today and remained with him for  
about an hour.

## LABOR MEN WANT POWER OF COURTS RESTRICTED

American Federationists Want Only  
Supreme Court to Pass on Con-  
gressional Acts.

(By Associated Press.)  
WASHINGTON, D. C., March 21.—  
A conference with the Railroad  
Brotherhood representatives, at  
which a declaration was made for  
congressional organization, limiting  
to the Supreme Court of the United  
States power to declare acts of  
Congress unconstitutional, and so-  
lution of a number of pertinent  
issues submitted by subordinate bod-  
ies marked today's session of the  
executive council of the American  
Federation of Labor. A resolution  
was adopted declaring it to be the  
sense of those present and those  
whom they represented that a bill  
should be introduced in the next  
Congress and pressed to a conclu-  
sion, providing that the Federal  
Courts inferior to the Supreme  
Court of the United States should  
be deprived of the power to declare  
unconstitutional any act passed by  
Congress.

## PLANS OF BATTLESHIP PROBABLY NOT STOLEN

Navy Department Not Worried Over  
Alleged Disappearance of Draw-  
ings of the Nebraska.

(By Associated Press.)  
WASHINGTON, D. C., March 21.—  
No report of the theft of the  
plans of the battleship Nebraska,  
from the desk of the superin-  
tendent of construction at the Mor-  
gan Brothers shipyard at Seattle,  
Washington, has been reported to  
the Navy Department.

The Department does not take the  
report seriously as dispatches  
from Seattle indicate that it is  
only the booklet of plans that is  
missing and this booklet, it is  
said, does not contain various plans  
of mechanism which it is especially  
desired to keep secret. The bureau  
of construction said that everything  
that is contained in the booklet  
has heretofore been made public.

L. E. Davis Sentenced.  
(By Associated Press.)  
GREENSBORO, N. C., March 21.—  
Judge Boyd, in the Federal court  
today sentenced L. E. Davis, ex-  
chairman of the board of com-  
missioners of Wilkes county, N. C.,  
to one year in the Atlanta prison  
and to pay a fine of \$1,000 for  
filing false expense accounts.

"Danny" Maher's Victory.  
LIVERPOOL, March 21.—"Danny"  
Maher, the American jockey, won  
the Liverpool cup here today on  
Bridge of Canny.

## U. S. MARINES LANDED IN HONDURAN TOWNS

This Country And Mexico plan-  
ning To Stop The Little  
Republics From Fighting

## TO PROTECT AMERICAN INTEREST

Nicaraguan Commander of the Navy  
Says Shipping Interests Will Not be  
Molested, But This Country Is Not  
Going to Take Any Chances—Only  
Small Force Landed.

(By Associated Press.)  
WASHINGTON, D. C., Mar. 21.—  
Bluejackets and marines have been  
landed from the United States gun-  
boat Marietta at Trujillo and Cerba,  
and probably at Puerto Cortez, Hon-  
duras, in order to protect American  
interests in that port.

Advices to this effect were received  
today from Commander Fullam, of  
the Marietta. As yet no word has  
been received as to whether forces  
have been landed at Central Ameri-  
can ports on the Pacific coast side,  
but undoubtedly this step will be  
taken if American interests are con-  
sidered in danger.

The landing of bluejackets and ma-  
rines and the policing of both shores  
of the Central American republics  
with United States gunboats before  
trading vessels had been molested in  
any manner or foreign interests jeop-  
ardized, is regarded here as a diplo-  
matic move that will prevent any in-  
ternational complications growing out  
of the policy of the United States not  
to permit European demonstrations in  
Central American or South American  
waters.

Where Marines Are Landed.  
From the meagre dispatches received,  
it appears that Commander Fullam  
has been coursing up the Hon-  
duran coast from east to west. It is  
understood that he landed a force of  
about twenty marines from the Ma-  
rietta at Trujillo and twenty blue-  
jackets at Cerba, and then continued  
his course to Puerto Cortez. It is  
said the dispatch to the Navy De-  
partment was sent by Commander  
Fullam before his departure from Cer-  
ba today and that it indicated an  
intention or twenty men at Puerto Cortez  
upon his arrival there.

The Nicaraguan commander in  
charge of the invading force at the  
Honduran port, Trujillo, gave Com-  
mander Fullam his promise that  
American interests and all foreign in-  
terests would be protected and that  
trading vessels would be permitted to  
enter and leave the port without mo-  
lestation, the same as before the cap-  
ture of the port by the Nicaraguan  
navy.

U. S. and Mexico to Interfere.  
Joint intervention by Mexico and  
the United States in the war which  
threatens to involve all Central Amer-  
ica is now regarded as probable by  
diplomats.

Secretary Root and Mr. Corea, the  
Mexican ambassador, have been in  
conference ever since the outbreak in  
Central America, and Latin-American  
diplomats would not be surprised by  
the announcement that Mexico and  
the United States have decided the  
war must cease. In fact such a set-  
tlement would be highly satisfactory  
to many of the South American re-  
publics who feel that their countries  
suffer from the war-like reputation of  
Central American countries.

## DEFAULTER JONES SAID TO HAVE BEEN IN NORFOLK

Charlotte Man, Who Got Away With  
\$68,000 Says Two Brokers  
Ruined Him.

(By Associated Press.)  
CHARLOTTE, N. C., Mar. 21.—A  
Charlotte traveling man who arrived  
here today states that he saw Frank  
Jones, the alleged defaulter of the  
Charlotte National Bank to the  
extent of \$68,000, in Norfolk on Mon-  
day last. He said Jones had shaved  
his mustache which greatly changed  
his appearance.

It is believed here that Jones took  
a steamer at Norfolk. A note has  
been found which Jones left for his  
mother in which he stated that he  
left to start life anew in a far corner  
of the world, that two brokers here  
had overdrawn their accounts and  
got him into trouble. No further clue  
is to his whereabouts is known.

Hammond Strike Settled.  
(By Associated Press.)

HAMMOND, IND., Mar. 21.—The  
strike at the plants of the Republic  
Iron and Steel Company, and the In-  
terstate Steel Company at East Chi-  
cago, has been settled by the agree-  
ments of the men to accept a ten  
per cent. increase in place of the  
raise of 25 cents asked by them.

## BIG FLOODS TIEUP ROADS IN THE WEST

Big Transcontinental Lines in a  
Demoralized Condition Because  
Of Heavy Rains.

## LOS ANGELES CUT OFF FROM NORTH

San Francisco Railroad Traffic is  
Also in Bad Shape—In Order to  
Get to Get to Sacramento a Run  
of Nearly Four Hundred Miles  
Will Have to Be Made.

(By Associated Press.)  
LOS ANGELES, CAL., March 21.—  
For the first time in ten years all  
rail communication from San Fran-  
cisco and the north is severed to-  
day as a result of the floods and  
consequent washouts and landslides.  
All three transcontinental lines are  
affected.

The Santa Fe is transferring pas-  
sengers to boats at Stockton, and  
expects to maintain traffic between  
there and San Francisco by that  
means. The Salt Lake line is in  
worse condition than ever.

For weeks all through traffic on  
the Clark road has been suspended  
owing to the destruction of eighty  
miles of roadbed in Meadow Valley  
canyon in Utah. The road cannot  
be restored in months. The damage  
in Meadow Valley canyon, has  
is stated, already exceeded \$2,000,000.

San Francisco Tied Up.  
SAN FRANCISCO, CAL., March  
21.—The train service of the city  
is badly demoralized as the result  
of the heavy rains and washouts.  
Sacramento is cut off from rail-  
road communication with the out-  
side world except from the coast.

By main line, Sacramento is but  
ninety miles distant. If it is seen  
that there is no other way of bring-  
ing in eastern trains it is the  
Southern Pacific's intention to run  
trains from Sacramento, to Fresno,  
thence north by way of Modesto  
Tracy and Niles into Oakland Mole,  
a distance of 374 miles. No eastern  
trains left today over the Ogden  
route.

Whole Northwest in Bad Shape.  
CHICAGO, ILL., March 21.—Con-  
tinuous heavy rains resulting in  
serious washouts, violent wind-  
storms and a wet clinging snow,  
have combined to produce a com-  
plete telegraphic tie-up in Pacific  
Northwest. The States of Montana,  
Idaho, Washington and Oregon, have  
been isolated since early in the  
day and there seems to be no im-  
mediate prospect of an improve-  
ment in the situation.

Last night a heavy wind storm  
passed over Great Salt Lake from  
the southwest to the northeast and  
by driving the water with terrific  
force against the Southern Pacific  
across the western part of the lake,  
and washed out a section of the  
track compelling a discontinuance  
of train service. The tracks of the  
Southern Pacific at Rambo, 35 miles  
west of Ogden, are entirely covered  
with water and since midnight,  
March 20th no trains from the West  
have arrived at Ogden.

## TRAIN ROBBERS GET INTO EXPRESS CO. SAFE

Bandits Knocked the Messenger in  
the Head and Then Threw  
Him From the Car.

(By Associated Press.)  
PALESTINE, TEXAS, March 21.—  
As train No. 4, on the international  
& Great Northern, northbound, was  
leaving Elkhart, 12 miles below  
here tonight, Express Messenger  
Winsty Womack of the Pacific Ex-  
press Company, was knocked in  
the head and thrown out of the  
train until Palestine was reached  
and a little later a telephone mes-  
sage was received from him at  
Elkhart stating that he had been  
assaulted by robbers.

The safe in the car was open when  
sheriff and a posse is leaving Pal-  
estine on a special train for the  
scene of the robbery.

## CLEVELAND'S HUNTING AND FISHING TRIP ENDED

Former President Deeply Grateful for  
the Many Expressions of Interest  
on 70th Birthday.

(By Associated Press.)  
GEORGETOWN, S. C., Mar. 21.—  
Former President Cleveland, Rear Ad-  
miral B. P. Lamberton and Commo-  
dore E. C. Benedict, reached this city  
today on the government launch Va-  
lery Lilly, coming from the Santee Gun  
Club, where they have been for the  
past several days shooting and fish-

ing. Mr. Cleveland, in an interview,  
expressed heartfelt appreciation for  
the many expressions of interest on  
the occasion of his seventieth birth-  
day, which was last Monday. The  
party left this afternoon in their  
private car attached to the regular  
train for the North.

## YOUNG FRANK M'ALPINE KILLED IN COLLISION

Unfortunate Fireman Was Son of  
R. S. McAlpine of This City  
Body Brought Here.

The dead body of Mr. Frank J.  
McAlpine a fireman on the Seaboard  
Air Line railroad, who was killed in  
a rear end collision on that road  
near Norlina, N. C., yesterday morn-  
ing arrived in this city at 5:30  
o'clock yesterday evening and was  
moved to the home of the parents  
of the deceased Mr. and Mrs. R. S.  
McAlpine, 1251 Twenty-sixth street.  
The remains will be shipped today  
to Cleveland, O., for interment.

When he saw that his engine  
was about to crash into a freight  
train on the track ahead of him,  
McAlpine leaped from the locomotive  
and broke his neck. No one else  
was injured in the wreck.

Besides his parents, Mr. McAl-  
pine is survived by three brothers,  
all of this city, and one sister.

## BAPTIST ACADEMY TEAM PROMISES TO BE FAST ONE

Coach Curtis is Rounding the Boys  
Into Fine Shape—Will Play  
Series With Hampton.

The baseball team recently organ-  
ized among the male pupils of the New-  
port News Baptist Academy is rapidly  
being rounded into shape for the  
season by Coach Joe Curtis, third  
baseman of the Springfield, Mass.,  
club of the Connecticut State League.  
The nine gives promise of being the  
fastest school team on the Peninsula  
and the players expect to carry off  
first honors among the school teams.

A series of three games is now be-  
ing arranged between the Newport  
News Academy and the Hampton  
High school, two games to be played  
here and one in Hampton. The Ros-  
entum Hardware Company has of-  
fered a handsome silver cup to the  
winner of the series.

The nine is under the management  
of Harry Jones and Hugh Cunning-  
ham has been elected field captain.  
The other players are: Joe Rowbot-  
tom, Harry Royner, Harris Williams,  
Phil Woodward, Eddie Jones, William  
Cottrell, Sam Cottrell, Ned Clarke,  
Fred Dedlake and Carey Epps.

Hands new uniforms have been  
ordered for the players, the team hav-  
ing secured sufficient funds from lo-  
cal business men and merchants to  
cover the cost of the uniforms.

## EXPOSITION RESERVOIR COMPLETED BY CONTRACTOR

Eg Basin Will Hold Two Million  
Gallons of Water—Pumping  
Plant Nearly Ready.

Contractor J. W. Davis has com-  
pleted the reservoir on the James-  
town Exposition grounds and will  
formally turn the basin over to the  
Exposition company within the next  
few days. Work on the pumping  
station, which is being built by  
another contractor is progressing  
rapidly and will be completed before  
the date of the opening of the  
Terecentennial.

The great basin which has been  
constructed by Mr. Davis has a  
capacity of 2,000,000 gallons and  
will furnish water to all of the  
buildings on the grounds. At first  
it was thought that a reservoir of  
half the size would be adequate,  
but before the contract was let it  
was decided to change the plans.  
The basin cost \$20,000, exclusive  
of the cost of building the pumping  
plant.

## BENNY JONES TO WRESTLE.

Newport News Man to Have a Go  
With An Army Crack.

Arrangements have been for a  
wrestling match between Benny  
Jones, of this city, and Reiner, for-  
merly champion mat artist of the Ger-  
man navy, but now stationed at Fort  
Monroe with the Thirtieth Coast Ar-  
tillery. The wrestlers will meet at  
the fort Sunday to draw up articles  
of agreement and decide on the date  
of the match.

It has been definitely decided to  
pull the bout off in the fort gymna-  
sium.

Harrison Gets 20 Years.  
(By Associated Press.)

ELIZABETH CITY, N. C., March  
21.—Joshua Harrison, who last night  
was convicted of the kidnapping  
and murder of Kenneth Beasley, a  
son of State Senator Beasley, two  
years ago, was today sentenced to  
20 years' imprisonment, after a  
motion in arrest of justice had been  
denied.

Yale Wins Wrestling Championship.  
(By Associated Press.)

PRINCETON, N. J., March 21.—  
Yale won the intercollegiate wres-  
tling championship here tonight with  
11 points; Princeton-Columbia tied  
for second place with 7 and Pennsylv-  
ania third.

## BURGLARS GET BIG SWAG FROM HOMES

Siegel Home in Monaroneck Loot-  
ed by Thieves and \$50,000  
Worth of Plunder Secured.

## AFFAIR SHROUDED IN MYSTERY

But it is Thought That the Trick  
Was Turned By Some of the Ser-  
vants—In the Morgan Home in  
Orange, N. J., Burglars Found \$18,000  
Worth of Jewelry.

(By Associated Press.)  
NEW YORK, March 21.—A rob-  
bery case at the summer home of  
Henry Siegel at Monaroneck some  
time last night has provided a mys-  
tery which the police are unable  
to solve. Seven paintings valued at  
thousands of dollars, bric-a-brac col-  
lected at great cost in Europe and  
considerable silver was stolen. The  
value of the articles taken was not  
estimated by the family but it is  
said it was over \$50,000. Mr. and  
Mrs. Siegel remained in New York  
last night, his keeper and his as-  
sistant being the only persons at the  
home.

They claim they heard no un-  
usual noises during the night. En-  
trance was gained through a front  
window, the house was literally  
ransacked, drawers being searched,  
cupboards opened, rugs taken, solid  
silver purloined while plated matter  
was bent and thrown aside and  
paintings cut from their frames. A  
curious feature of the case is that  
the thieves went to a bathroom and  
secured a key to the dining room,  
where the house keys were kept.

When they got there the task of  
opening the lower doors where the  
valuables were stored was easy.  
Mr. Siegel said tonight that he  
had a suspicion as to the thieves  
and intimated that they might  
have been employed in the house.

The house is located on and faces  
Long Island sound, and it is be-  
lieved the robbers used a power  
boat to approach the premises and  
carry away the loot.

Another Big Haul.

NEW YORK, March 21.—Eighteen  
thousand dollars worth of jewelry  
was stolen from the home of  
Charles Morgan, son of the founder  
of the Morgan steamship lines, at  
his home in Orange, N. J. Late  
this afternoon Mrs. Morgan found  
a drawer in her dressing table dis-  
turbed and investigation showed  
that her jewel bag was missing. It  
contained a diamond bracelet valued  
at \$4,000, two necklaces at \$2,500  
each and many other pieces of  
jewelry.

## Will Fight Two-Cent Fare.

(By Associated Press.)  
JACKSON, MISS., Mar. 21.—Judge  
Niles, of the Federal court, this af-  
ternoon issued a temporary injunc-  
tion, on petition of the Louisville &  
Nashville Railroad, restraining the  
Mississippi Railroad Commission from  
enforcing the order establishing a  
two-cent passenger rate on the inter-  
changeable mileage basis, according  
to a recent act of the legislature.

## MAJOR PENROSE TAKES STAND IN OWN DEFENSE

Told the Story of the Shooting Up  
of Brownsville and Was a Good  
Witness.

(By Associated Press.)  
SAN ANTONIO, TEXAS, March 21.—  
Major C. W. Penrose, the accused,  
in the court martial at Fort Sam  
Houston, went on the stand today.  
The witness told his story of the  
Brownsville trouble. He testified  
to the lack of ill will between the  
soldiers and citizens. The feeling  
on both sides was good up to the  
time of the trouble. The witness  
told of the happenings on the night  
of the shooting and first steps tak-  
en by himself to prevent the clash.  
He said he thought the firing was  
undoubtedly done with high power  
rifles. His story made a strong im-  
pression. Major C. J. Clark testi-  
fied to the general good behavior  
of the negro battalion just before  
the discharge.

Burton to Be Released Today.

(By Associated Press.)  
ST. LOUIS, MO., March 21.—  
Former United States Senator Jos-  
eph R. Burton, of Kansas, who has  
been serving six months in jail at  
Ironton, Mo., will be released to-  
morrow morning.

Baseball Games.

(By Associated Press.)  
At Savannah, Ga., Philadelphia  
Nationals, 15; Savannah South At-  
lantics, 2.  
At Atlanta, New York, Ameri-  
cans, 9; Atlanta, Southern, 3.